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JPRS-CPS-87-025

12 APRIL 1987

# China Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

PRC STATE COUNCIL BULLETIN

No 6, 20 MARCH 1986

19981130 064

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CHINA REPORT  
POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS  
PRC STATE COUNCIL BULLETIN  
No 6, 20 MARCH 1986

Beijing ZHONGHUA RENMIN GONGHEGUO GUOWUYUAN GONGBAO [PRC STATE COUNCIL BULLETIN] in Chinese 20 Mar 86

[This volume contains selected translations from the PRC STATE COUNCIL BULLETIN. Items marked (previously published) and (previously covered) have appeared in other JPRS or FBIS publications, and are cross-referenced wherever possible.]

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## PRC INVESTMENT PROTECTION AGREEMENT WITH FINLAND

Beijing PRC STATE COUNCIL BULLETIN in Chinese No 6, 20 Mar 86 pp 148-153

[Agreement Between the Governments of the PRC and the Republic of Finland on Investment Protection (4 September 1984) (The Chinese and Finnish Sides Exchanged Diplomatic Notes Affirming That Respective Legal Procedures Necessary for the Application of This Agreement Have Already Been Taken. This Agreement Came Into Effect on 26 January 1986)]

[Text] The Government of the PRC and the Government of the Republic of Finland (hereinafter referred to as "the contracting parties"), desiring to develop economic cooperation between the two countries, and recognizing the necessity for a contracting party to create in its territory favorable conditions for investment by investors of the other contracting party and to protect such investments on the basis of equality and mutual benefit, have agreed as follows:

### Article 1: Definitions

1. "Investment" means any kind of property employed for investment purposes by investors of a contracting party in the territory of the other contracting party in accordance with the laws and regulations of that other contracting party, and in particular:

i) movable, immovable and other property rights, such as mortgages, right of lien and right of pledge;

ii) shares, stocks and bonds of a company or gains arising in the property of that company;

iii) ownership of or claims to money, or rights to actions having a financial value;

iv) copyright, industrial property rights (such as patents, trademarks, designs of manufactured goods), technological processes, technologies and reputation;

v) concessions, including concessions related to the prospecting, extraction or opening up of natural resources.

2. "Investors" means:

In respect of the PRC:

- i) Physical persons having the status of nationals of the PRC;
- ii) Economic bodies incorporated in accordance with the laws of the PRC in its territory;
- iii) Enterprises with Chinese physical persons or economic bodies holding major interests.

In respect of the Republic of Finland:

- iv) Physical persons deriving their status as Finnish citizens from Finnish laws;
- v) Legal persons incorporated in the territory of Finland in accordance with the laws of the Republic of Finland, and legal persons with Finnish physical persons or economic bodies holding major interests.

3. "Returns" means the amounts yielded by an investment, such as profits, capital gains, dividends, royalties or fees.

#### Article 2: Scope of Application of This Agreement

- 1. This agreement shall only apply to investments carried out under the laws, regulations, and procedures of the contracting party accepting the investments.
- 2. Subject to the provisions of the foregoing paragraph, this agreement shall also apply to investments made by investors of a contracting party in the territory of the other contracting party after 1 July 1979.

#### Article 3: Protection of Investments

A contracting party shall, in accordance with its laws and regulations, accord equitable treatment to investments made by investors of the other contracting party.

#### Article 4: Most-Favored Nation Clause

- 1. Neither contracting party shall in its territory subject investments made by investors of the other contracting party in accordance with the provisions of this agreement or returns of such investments to treatment less favorable than that which it accords to investments or returns of investors of any third state.
- 2. The aforesaid treatment shall not include that which a contracting party accords to investments or returns of investors of a third state in accordance with agreements with tariff unions, free trade regions or other forms of regional cooperation and economic alliance, and agreements on the avoidance of double taxation and on border trade.

#### Article 5: Expropriation

1. If a contracting party decides to subject to expropriation, nationalization, or other similar measures (hereinafter referred to as "expropriation") investments in its territory of investors of the other contracting party, it shall do so:

i) for a public purpose and in accordance with the legal procedures of the country;

ii) on a basis of nondiscrimination; and

iii) against compensation.

2. The payment of compensation shall be made without undue delay and shall be effectively realizable and be freely transferable. Compensation shall amount to the value of the investment expropriated immediately before the expropriation and shall include interest until the date of payment.

#### Article 6: Transfer of Investments

1. A contracting party shall, in accordance with its laws and regulations, allow without undue delay investors of the other contracting party the free transfer in convertible currency of:

i) profits, capital gains, dividends, interests, royalties, fees and other returns yielded by an investment;

ii) the proceeds of total or partial liquidation;

iii) the payments made for the reimbursement of loans for investments;

iv) the income of nationals of the other contracting party employed in connection with an investment.

2. A contracting party shall, in accordance with contracts approved, allow the free transfer from its territory of movable properties used by investors of the other contracting party as part of their investment.

#### Article 7: Exchange Rate

Transfers pursuant to Article 5 and Section 1 of Article 6 shall be made at the official rate of exchange in force in the contracting party admitting the investment at the date of transfer.

#### Article 8: Subrogation

If a contracting party makes payment to its investors under a guarantee, the other contracting party shall recognize the assignment of the rights or ownership of these investors to the former contracting party and shall recognize the subrogation of such rights or ownership by the former

contracting party, provided that the rights of that contracting party specified in Article 9 of this agreement are not prejudiced. However, the subrogated rights or ownership may not exceed the rights or ownership of the original investors.

#### Article 9: Disputes Between the Contracting Parties

1. Disputes between the contracting parties concerning the interpretation or application of this agreement should, as far as possible, be settled through diplomatic channels.
2. If a dispute between the contracting parties cannot be settled through diplomatic channels within 6 months, it shall, upon the request of either contracting party, be submitted to an arbitral tribunal.
3. An arbitral tribunal shall be constituted for each individual case in the following way: Within 2 months of the receipt of the request for arbitration, each contracting party shall appoint one member of the tribunal. Those two members shall then select a national of a third state which has diplomatic relations with the contracting parties, who on approval by the contracting parties shall be appointed chairman of the tribunal. The chairman shall be appointed within 2 months from the date of appointment of the other two members.
4. If within the periods specified in Section 3 of this article the necessary appointments have not been made, either contracting party may, in the absence of any other agreement, invite the president of the International Court of Justice to make any necessary appointments. If the president is a national of either contracting party or if he is otherwise prevented from discharging the said function, the vice president shall be invited to make the necessary appointments. If the vice president is a national of either contracting party or if he, too, is prevented from discharging the said function, the member of the International Court of Justice next in seniority who is not a national of either contracting party shall be invited to make the necessary appointments.
5. The arbitral tribunal determines its own procedure. It shall reach its decision by majority vote. Such decision shall be final and binding on both contracting parties. The arbitral tribunal shall state the basis of its decision upon the request of either contracting party.
6. Each contracting party shall bear the cost of its own member of the tribunal. The cost of the chairman and the remaining costs of the tribunal shall be borne equally by the contracting parties.

#### Article 10: Review of Implementation

Where necessary, representatives of the contracting parties shall meet to review the implementation of this agreement. The meeting shall be held at the suggestion of either contracting party at the time and place agreed on through diplomatic channels.



# Article 11: Entry Into Force, Duration and Termination

1. This agreement shall enter into force on the 30th day after the date on which the contracting parties notified each other the completion of legal procedures necessary for the entry into force of this agreement.
2. This agreement shall remain in force for a period of 15 years. Thereafter, it shall continue in force until the end of a 12-month period from the date a contracting party notifies in writing the other contracting party of its intention to terminate this agreement.
3. In respect of investments made prior to the date when the termination of this agreement becomes effective, the provisions of articles 1 to 10 shall remain in force for a further period of 10 years from this date.

In witness thereof the undersigned, duly authorized thereto by their respective governments, have signed this agreement.

Done in duplicate at Beijing on 4 September 1984 in the Chinese, Finnish, and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

Chen Muhua (signed)  
For the Government  
of the PRC

Jermu Laine (signed)  
For the Government of the  
Republic of Finland

## Protocol

At the signing of the agreement between the Government of the PRC and the Government of the Republic of Finland on investment protection, the duly authorized representatives of the contracting parties have agreed upon the following provisions, which form an integral part of this agreement:

## Article 1

Each contracting party shall, within the limits of the provisions of its laws and regulations, favorably consider the entry and residence applications submitted by those employees of investors of the other contracting party in connection with an investment who wish to enter its territory.

## Article 2

1. If the investors deem that the expropriatory measures specified in Article 5 of this agreement do not conform with the laws of the contracting party making the expropriation, the competent court of that contracting party shall, upon the request of the investors, review the said measures.
2. If the investors have objections to the amount of compensation for their expropriated investments and properties, the investors and the contracting party making the expropriation should hold consultations aimed at reaching an agreement on compensation within 6 months.

3. If the parties to consultation fail to reach an agreement within the period specified in the previous paragraph, the amount of compensation may be reviewed by the competent court of the contracting party making the expropriation or by an international arbitral tribunal upon the request of the investors.

4. The above-mentioned international arbitral tribunal shall be constituted for each individual case. Each party concerned shall appoint an arbitrator. The two arbitrators shall appoint a third arbitrator as chairman. The arbitrators shall be appointed within 2 months and the chairman within 4 months from the date when one party concerned receives notification from the other party of its submission of the dispute to arbitration.

If appointments are not made within the period specified in the previous paragraph, either party may, in the absence of any other agreement, request the Stockholm Chamber of Commerce to make the necessary appointments.

The arbitral tribunal shall determine its own arbitral procedures with reference to the "Contention on the Settlement of Investment Disputes Between States and Nationals of Other States," done at Washington on 18 March 1965. The tribunal shall reach its decision by majority vote. Such decision shall be final and binding, and shall be enforceable in accordance with domestic laws. The tribunal shall state the basis of its decision upon the request of either party concerned.

Each party shall bear the cost of its own arbitrator. The cost of the chairman and the remaining costs of the tribunal shall be borne equally by the parties concerned.

### Article 3

Unless otherwise agreed, other investment disputes between the investors and the contracting party accepting the investment shall be settled by local relief means in accordance with the laws and regulations of the contracting party accepting the investment.

### Article 4

If an investor of a contracting party has major interests in a company of a third state, and that company has major interests in a company in the other contracting party, the provisions of Article 5 of this agreement shall be applicable to the investor concerned of the first-mentioned contracting party should the other contracting party decide to expropriate the investments and properties in its territory of the company of the above-mentioned third state. However, the provisions for compensation shall be applicable only when that company or the third state to which it belongs is not eligible to claim compensation or if that state relinquishes its right to claims.

Article 5

If the laws and regulations of a contracting party provide more favorable treatment to investment of investors of the other contracting party, the more favorable shall apply.

Done in duplicate at Beijing on 4 September 1984 in the Chinese, Finnish, and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

Chen Muhua (signed)  
For the Government  
of the PRC

Jermu Laine (signed)  
For the Government of the  
Republic of Finland

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CSO: 4005/170

## QUALITY CONTROL IN TOWNSHIP INDUSTRIES STRESSED

Beijing PRC STATE COUNCIL BULLETIN in Chinese No 6, 20 Mar 86 pp 155-158

### [Proposals on Stepping Up Quality Control in Township Industries]

[Text] China's township enterprises have seen remarkable development since the 3d Plenum of the 11th CPC Central Committee. There have emerged many enterprises which have won their name in domestic and overseas markets with products of fine quality and good economic benefits. This has contributed toward the sustained, stable and well-coordinated development of the national economy. However, some enterprises paid little attention to product quality. Some of them lacked the most basic conditions for quality assurance and were unable to guarantee the quality and safety of their products. A few enterprises produced sloppy products with inferior materials and even passed their products off as famous brands or continued to turn out backward products which had already been declared obsolete by the state. Such a state of affairs, if not seriously dealt with, may shake the confidence of the masses of the people in industrial products and develop into a grave social problem. For this reason, economic committees, competent departments of township enterprises, departments for the management of respective trades, industrial and commercial administrative organs and quality supervision departments at all levels must step up quality control and supervision over product quality in order to safeguard the interests of the state and the vast numbers of consumers and ensure the smooth progress of the four socialist modernizations, so that township enterprises can further develop steadily and healthily.

1. Developing township enterprises is the only way to invigorate China's rural economy. We must conscientiously implement the guiding principle of the Central Committee for the development of township enterprises: "Give positive support, plan rationally, give correct guidance and strengthen management." When setting up township industrial enterprises, we must bear in mind the actual needs and our own conditions, suit measures to local conditions, act according to our capability, move ahead steadily, and avoid acting blindly. All township enterprises must take further steps to correctly orient their business concepts, conscientiously implement the principle of "quality first," strive to improve operation and management, improve product quality, production techniques and economic benefits, and pay attention to the prevention of environmental pollution.

2. Competent departments of township enterprises must set up quality control organs and join hands with departments for the management of respective trades and industrial and commercial administrative organs in stepping up management and supervision over product quality.

Concerted efforts must be made to run township (town) industrial enterprises and village-run key industrial enterprises well. In particular, attention must be paid to the following five tasks: a) We must take further steps to improve the output-related economic responsibility system, with focus on product quality. Clear and definite specifications must be made for product quality in the responsibility system, and the system of rewards and penalties must be rigorously enforced. Factory directors (managers) must assume full responsibility for product quality. b) Every enterprise must set up a quality inspection body under the direct leadership of the director (manager) or assign special personnel to the task, and formulate a system for the inspection of product quality. c) In accordance with product quality requirements, we must make provisions for the necessary measuring and inspection devices and tools, especially measuring devices and tools for the control of technological processes. We must also ensure the precision, efficacy, and correct application of measurement and inspection devices and tools. d) We must pay attention to providing technical training to all staff and workers in order to improve their qualities. e) We must establish a system of depreciation funds, gradually raise the rate of depreciation and step up the renovation and transformation of equipment. In renovation and transformation, special attention must be paid to the renovation and coordination of the means of inspecting and testing quality. We ask that township enterprises gradually turn quality control work into their regular practice and hope to see some of these enterprises reach our country's advanced levels.

With respect to industrial enterprises at or below the village level, we should mainly step up quality control and strictly prohibit the marketing of imitations and inferior goods as well as products already declared obsolete by the state.

3. Township industrial enterprises must organize production in accordance with the technical standards and technological requirements. They must observe the principle of "five prohibitions": a) substandard goods may not leave the factory and may not be included in the output or output value; b) substandard raw and semiprocessed materials and parts and components may not be used in production or assembly; c) products already declared obsolete may not be produced and marketed; d) units without product quality standards, quality inspection setups or means of inspecting quality may not carry out production; e) fraud, passing off inferior products as good ones and counterfeiting trademarks and famous brands are prohibited. In the meantime, township enterprises must concentrate on "three prohibitions," namely, substandard goods may not leave the factory, products already declared obsolete may not be produced or marketed, and fraud is not allowed. A system should be introduced whereby products will be repaired, exchanged, or returned if found unsatisfactory. The name and address must be clearly indicated on the product, and consumers must be compensated for actual economic losses sustained as a result of inferior product quality.

4. Departments for the management of respective trades and the competent departments of township enterprises should jointly undertake the supervision and control of product quality in township industrial enterprises under the direction of economic committees and standardization departments at various levels. Departments for the management of respective trades must inspect and supervise the quality of products of township enterprises, and put an end to the previous practice of only minding the state-owned enterprises and "large collectives" and ignoring the township industrial enterprises. We may start with products produced by both state-owned and township industrial enterprises. Township industrial enterprises must be included in quality assessments and inspections for the whole trade. For products subject to production permits, the same standard must be expected of goods produced by township enterprises. Working side by side with the competent departments of township enterprises, departments for the management of respective trades must grasp well the work of issuing production permits. Production permits must be promptly issued to enterprises whose products measure up to the quality standards, and those which fail to meet the standards must be ordered to do so within the stated time.

Goods produced by township industrial enterprises must be included in spot checks organized by quality supervision departments authorized by the state. Problems discovered should be handled by the local governments, competent departments of township enterprises and industrial and commercial administrative organs.

5. Township industrial enterprises producing important capital goods and consumer goods in short supply should be consolidated. In 1986, with the economic committees of various localities providing the leadership, competent departments of township enterprises should set up joint work groups with departments for the management of respective trades, industrial and commercial administrative organs, and quality supervision departments to conscientiously carry out inspection and consolidation with respect to township industrial enterprises producing major capital goods and consumer goods in short supply, particularly those producing food, drugs, electrical appliances, pressurized containers, measuring devices and tools, motor vehicles, and other products that have a vital bearing on people's health and safety. Inspection and consolidation should be carried out in accordance with the "Food Hygiene Law of the PRC (Trial Implementation)," "Drug Control Law of the PRC," "Measurement Law of the PRC" (these three laws were carried in issues No 19 of 1982, No 23 of 1985 and No 26 of 1985 of this Bulletin, respectively), as well as the "Provisional Regulations for the Safety Supervision Over Boilers and Pressurized Containers" and "Regulations for the Trial Implementation of Production Permits for Industrial Permits" (these two laws were carried in issues No 4 of 1982 and No 8 of 1984 of this Bulletin, respectively) already promulgated by the state. Enterprises that fail to conform to the state regulations, do not have the basic production conditions and lack the necessary conditions for quality assurance must be promptly consolidated. Those that still fail to meet the requirements necessary for the production of qualified products should be guided to convert to another line of production without delay.

In the future, industrial and commercial administrative organs at all levels should, in conjunction with the competent departments of township enterprises and departments for the management of respective trades, conscientiously examine applications for the setting up of township enterprises, particularly processing enterprises, and only grant approval to those applicants that measure up to the basic requirements for production and operation and conform to the enterprise registration requirements. In the development of new products and products batch-produced for the first time, it is necessary for the competent departments of township enterprises and the departments for the management of respective trades to organize product assessment, and only those found to be up to standards may be put into production. Products not assessed or found not up to standards may not be produced or marketed.

6. We must unfold all-round quality control and raise the level of modern enterprise management. The all-round quality control popularized in Chinese industrial enterprises in recent years is a scientific way of raising the level of modern enterprise management. This method is also applicable to township industrial enterprises. All localities should select a number of township industrial enterprises which enjoy better conditions to conduct experiments and then gradually popularize the experience. In popularizing all-round quality control, we must proceed from the actual conditions of the township enterprises. We must not copy mechanically and must guard against formalism.

7. We must step up guidance and support to township industrial enterprises on the matter of the improvement of product quality. The economic committees of all localities and various departments concerned must put the improvement of product quality of township industrial enterprises on their agenda. Besides checking and supervising the quality of the products of these enterprises, they must also take the initiative to offer them such services as the provision of technical standards and technical information, the diagnosis of problems of enterprises, technical counseling and conducting measuring and testing tasks. Quality supervision departments at all levels must gear themselves to the needs of the whole society and provide quality inspection service to the township enterprises. Where conditions permit, quality inspection organs at the county level should be set up step by step in the light of actual needs. We may also make use of the existing inspection and testing means of enterprises and gradually establish a quality supervision and inspection network to serve the nearby township enterprises. Institutions of higher learning, scientific research units, and large state-run industries must fully bring into play the superior technical forces and intellectual resources by offering nonprofitmaking technical services and, on the basis of voluntariness and mutual benefits, helping the township industrial enterprises improve their product designs, renovate their production techniques, update their technologies and equipment, and improve their operation and management.

While taking further steps to properly run commodity exchange centers, the state should instruct the materials and equipment departments to give special consideration to township industrial enterprises producing quality products for the state, their respective departments or provinces, products having a

vital bearing on personal safety and products with the capacity to earn foreign exchange through exports, thus having a vital bearing on the supply of raw and semiprocessed materials subject to unified allocation.

In order to quickly put an end to the shortage of trained technical personnel in township enterprises, education and scientific research departments must help the competent departments of township enterprises with personnel training. Where conditions permit, workers' middle schools and secondary vocational schools may be set up. An appropriate number of university graduates and secondary and vocational school leavers should be allocated to work in the competent departments of township enterprises.

8. All localities must, in the spirit of the above suggestions, step up product quality supervision and control in urban collective enterprises (including jointly-operated enterprises, neighborhood enterprises, school-run factories, educated youth centers of state-owned enterprises, and labor services companies).

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CSO: 4005/170



STATE COUNCIL APPOINTMENTS, REMOVALS

Beijing PRC STATE COUNCIL BULLETIN in Chinese No 6, 20 Mar 86 p 160

[State Council Appointments and Removals]

[Text] 5 January 1986:

Remove Zhou Ping [0719 1627] from the post of vice minister for Nuclear Industry.

Remove Wei Yuming [7614 3768 2494] from the post of vice minister for Foreign Economic Relations and Trade.

5 February 1986:

Appoint Bai Meiqing [4101 5019 3237] deputy secretary general of the State Council.

Appoint Liu Suinian [2692 7151 1628] vice minister of State Planning Commission.

Appoint Chen Yaobang [7115 5069 6721] and Liu Jiang [0491 3068] vice ministers for Agriculture, Animal Husbandry, and Fisheries.

Appoint Yang Shen [2799 1957] and Zhou Ganshi [0719 1626 1492] vice ministers for Urban and Rural Construction and Environmental Protection.

Appoint Wang Rulin [3769 3067 2651] and Xu Daquan [1776 1129 6898] vice ministers for Metallurgical Industry.

Appoint Zhou Yongkang [0719 3057 1660] vice minister for Petroleum Industry.

Remove Liu Suinian [2692 7151 1628] from the post of deputy secretary general of the State Council.

Remove Zhu Rong [2612 2837] and Xiao Peng [5135 7720] from the posts of vice ministers for Agriculture, Animal Husbandry, and Fisheries.

Remove Xiao Tong [5135 2717] and Dai Nianci [2071 1819 1964] from the posts of vice ministers for Urban and Rural Construction and Environmental Protection.

Remove Lin Hua [2651 5478] and Zhou Chuandian [0719 0278 0368] from the posts of vice ministers for Metallurgical Industry.

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